

FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF  
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241

IN THE UNITED STATES DISTRICT COURT  
FOR THE Boston, Mass.

Joseph Marion Head Junior  
Petitioner  
17549-056, N-4 Cell 423  
F.M.C. Devens, P.O. Box 8791  
Ayers, Mass - 01432  
(Full name under which you were convicted;  
Prison Number; Full Mailing Address).

VS. United States Dept. V. A. and  
U.S. A. and N. C.  
Respondent(s)

CIVIL ACTION NO. \_\_\_\_\_

David L. Winn - Warden  
F.M. Center Devens, P.O. Box 880  
Ayers, Mass. 01432  
(Name of Warden or other authorized person  
having custody of Petitioner).

PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT  
OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.

1. This petition concerns: (check appropriate blank)

- ☒ A conviction  
☒ A sentence (CAUTION: If you are attacking a sentence imposed under a Federal Judgment, you  
must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the  
Judgment).  
☐ Jail or prison conditions  
☐ Prison discipline issue  
☐ A parole problem  
☒ Other. State briefly: Denied And Deprived of Social Security  
and V. A. Benefits Because Incarcerated, With  
out an adjudication as to the legality of my charges  
, convictions, sentences, incarceration And Without Proof

2. Place of detention: N-4 Cell 423 - F.M.C. Devens Mass. P.O. Box 879  
Ayers, Mass. 01432.

**HAVE YOU FILED PREVIOUS PETITIONS FOR HABEAS CORPUS MOTION UNDER TITLE 28 U.S.C. § 2255, OR ANY APPLICATIONS, PETITIONS OR MOTIONS WITH RESPECT TO THIS CONVICTION?**

\_\_\_\_\_ Yes

\_\_\_\_\_ No

*See Ea. Ct. Court Records*

3. If your answer is "yes," give the following information:

a. Name of the Court: *N/A See Ea. Ct. Court Records*

b. Nature of proceeding: *N/A See Ea. Ct. Court Records*

*See all Court Records, State and Federal Court Records*  
c. Grounds raised: *Denied And Deprived of Social Security and Fed. V.A. Benefits Because incarcerated, Without Legal Proof of the Legality, Validity, Finality of my charges, convictions, sentences, incarceration and commitments*

d. Result: *N/A*

e. Date of result: *N/A*

f. Citation or number of any written opinion or order entered pursuant to each such disposition: *N/A*

4. If you did not file a motion under section 2255 of Title 28 U.S.C., or if you filed a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

5. Does counsel presently represent you? \_\_\_\_\_ Yes *No* \_\_\_\_\_ No

If so, Name address and phone number of counsel: \_\_\_\_\_

6. Name and location of court, which imposed sentence: *U.S. D. Ct. W.D. N.C. Ash. Div. 309 U.S. Courthouse Building, 100 Otis Street, Asheville, N.C. 28801*

7. Indictment or case number, if known: N/A

8. Offense or Offenses for which sentence was imposed: N/A

9. Date upon which sentence was imposed and the term of the sentence: N/A

10. When was a finding of guilt made? (Check one)

☐ After a plea of guilty

☒ After a plea of not guilty

☐ After a plea of Nolo Contendre

11. If you were found guilty after a plea of not guilty, was that finding made by:

☒ A jury

☐ A judge without a jury

12. Did you appeal the judgment of the conviction or the imposition of a sentence? ☒ Yes ☐ No

13. If you did appeal, give the following information for each appeal:

a. Name of court: U.S. Ct. App. 4th Cir.

b. Result: Dismissed in part, Affirmed in part

c. Date of result: August 12, 2002

d. Citation or number of opinion: N/A See Ct. Rec.

e. Grounds raised: (List each one) N/A See Ct. Records

**NOTE: If you appealed more than once, attach an additional sheet of paper the same size, give all the information requested above in question number 13, a through e. DO NOT WRITE ON BACK OF PAGE.**

14. Summarize briefly the facts supporting each ground. If necessary attach a single page behind this page.

**CAUTION:** If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

a. Ground one: Denied and Deprived of Social Security and V. A. Benefits Without Due Process or Equal Protection of Law.

Supporting Facts: (Tell your story BRIEFLY without citing cases or law. You are CAUTIONED that you must state facts not conclusions, in support of your grounds. E.g., who did exactly what to violate your rights at what time or place).

See, Etc., Each Court Record and Each Prison and Medical Record Relating to Petitioner and his Court Cases and Him. To include all of His Army Records and all Records Relating Thereto and to him. Further see all Social Security and V. A. Records.

b. Ground Two:

Petitioner is and was kidnaped by judicial Processes or Relating Thereto to include by the Order April 13, 2004 denying leave to appeal in forma pauperis for the reason, Notice of appeal untimely.

Supporting Facts: Petitioner timely gave notice of appeal or attempted to and same was not mailed by F.M.C. Devers Staff. Later Petitioner filed another notice of Appeal and same was denied April 13, 2004.

Ground Three:

The reason of the State and Federal Courts Denying Relief and Release, Violated The Law 18 U.S.C. 1201 and Petitioner's Rights

Supporting Facts: See all State and Federal Court Records Relating to Petitioner and his State and Federal Cases, Criminal, Civil and Domestic.

15. If this petition concerns jail or prison conditions, prison discipline, a parole problem or other cause under 28 U.S.C. § 2241, answer the following:

a. Did you present the facts in relation to your present complaint in the internal prison grievance procedure?

\_\_\_\_\_ Yes \_\_\_\_\_ No See Prison Records

(1) If your answer to "a" above is yes, what was the result? See Prison Records

(2) If your answer to "a" above is no, explain: See Prison Records

b. Did you present your claim to the Bureau of Prisons or other federal agency for administrative action?

\_\_\_\_\_ Yes \_\_\_\_\_ No See Prison Records

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken:

See Prison Records

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you.

c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

Petitioner's rights to access to the courts and to  
petition the Court is and was violated relating to  
this state and federal court cases, criminal and civil.  
See all prison and court records and all records  
and persons, places and things relating thereto in  
the past 35 years.

16. **RELIEF:** state briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

- (1) All State and Federal Charges Dismissed With Prejudice or Verdicts of Not Guilty Entered.
- (2) The Maximum Relief and Release Authorized By Law Be Ordered relating to each of Petitioner's criminal and civil and tort and domestic claims, grounds, motions, errors, allegations, objections, exceptions, etc., and Fed. R. 57 Civ. Procedure be legally and officially applied in petitioner's criminal and civil cases, etc.
- (3) Order Maximum Compensation in the cases of final sentencing through a miscarriage of justice.
- (4) Order A Congressional Investigation Into Petitioner's State and Federal Court Cases and Prison Records, for all Criminal Violations By Government Employees, to include 18 U.S.C. 1201, Kidnapping Petitioner By Judicial Processes and relating thereto.

Signed on this the 17 day of April, 2004.

Joseph Marion Head Junior  
Signature of petitioner

I DECLARE (OR CERTIFY, VERIFY OR STATE) THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE OR INFORMATION AND BELIEF AND THAT ANY FALSE STATEMENTS MADE THEREIN ARE MADE SUBJECT TO THE PENALTIES OF APPLICABLE LAWS RELATING TO UNSWORN FALSIFICATIONS TO AUTHORITIES.

Executed on: 4-17-, 2004.

Joseph Marion Head Junior  
Signature of petitioner

This Court Will Have To Make and File and Serve all Necessary Copies of this Petition, Petitioner is unable to do so Because of His Indigence.  
Signed, Joseph Marion Head Junior  
4, 17, 2004

United States District Court  
For The District of Boston Mass.  
Case Number

Reference To Case Number 74CR2403A

State of North Carolina VS Joseph Marion Head Junior Defendant And All Matters, Etc. Relating Thereto	Motion For Maximum Compensation In The Case Of Final Sentencing Through A Miscarriage Of Justice And For All Time Spent Illegally Incarcerated
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Comes now, Joseph Marion Head Junior, Prison Number 17549-056, defendant in the above entitled cause, movant herein, who himself prose, respectfully moves the court for, Maximum Compensation in the case of final sentencing through a miscarriage of justice and for all time spent illegally incarcerated relating to 74CR2403A, 74CR2403 and 73CR5057 and as those convictions was applied to the sentces which was imposed in Movants Federal Cases.

Respectfully Presented On April 20th. 2004  
Signed, Joseph Marion Head Junior, 17549-056,  
N-4 Cell 423, Fed. Med. Center, Revere, Mass.  
Post Office Box 879, Ayer, Mass. 01432.

The Court Will Have To Make And Serve  
all required copies of this Motion. Movant is  
unable to do so, due to his indigence.

Signed, Joseph Marion Head Junior, 17549-056  
April 20th. 2004

BP-S148.055 INMATE REQUEST TO STAFF CDFRM  
SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>Miss. Lapraite - Nurse - N-1</i>	DATE: <i>4 - 11 - 04</i>
FROM: <i>Head</i>	REGISTER NO.: <i>17549-056</i>
WORK ASSIGNMENT: <i>None</i>	UNIT: <i>N-3 - Cell 309</i>

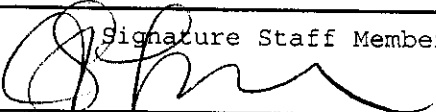
SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

*Miss. Lapraite, I request you make or have made for me at least 10 copies of this motion and return all of same to me without delay and as soon as possible. I need this back this week. If you can get it typed also within one week I would appreciate you doing so. I never did get your last written reply to my last copy out to you. Why?*

(Do not write below this line)

DISPOSITION:

*Please forward to unit team*

Signature Staff Member 	Date <i>4/13/04</i>
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Record Copy - File; Copy - Inmate  
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86  
and BP-S148.070 APR 94

*Sensitive Limited Official Use Only*

For the United States District Court  
Boston District of Mass.  
Boston Division  
Case Number \_\_\_\_\_

United States of America VS <u>Joseph Marion Head junior</u> Defendant	Motion To Dismiss The Indictment And All Counts Thereof With Prejudice
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To The Honorable United States Federal District  
Court Judge, ED-1 District of Mass.  
Boston Division.

Attention: United States Attorney General

Comes now, Joseph Marion Head junior, Prison  
Number, 17549-1056, who is the  
defendant in the above entitled cause,  
and the movant, herein, who himself, prose,  
respectfully moves the court to dismiss  
the indictment and all counts thereof with  
prejudice for the reasons related herein.

### Reasons

(1)

The Grand jury had insufficient or no  
legal evidence and proof that movant

2

statement of the offense in the indictment and all counts thereof.

(29)

The Grand Jury has insufficient or no legal evidence that movant did the acts alleged and stated in the statement of the offense, with knowledge that said acts would constitute a violation of said law.

(3)

The Grand Jury has insufficient or no evidence and proof that movant knowingly did the acts stated in the statement of the offense in the indictment deliberately with the intent of violating said law alleged violated.

(4)

The Grand Jury has insufficient or no legal evidence and proof that movant willfully did the acts stated in the statement of the offense, to deliberately and knowingly violate the law alleged violated.

(5)

The Grand Jury has insufficient or no legal evidence or proof that movant was sane at the time movant allegedly did the acts that allegedly violated the law alleged violated and the way alleged violated.

(11)

3

evidence and proof that morant was not on drugs, medicine, alcohol, at the time morant allegedly did the acts the way allegedly that violated the law allegedly violated by morant.

(7)

The witnesses and victim was not advised and informed of their rights nor morant's rights prior to same being allowed to make statements and testify to the prejudice of morant.

(8)

Morant was not allowed to be represented by an attorney at law, before the Grand jury, nor was morant allowed to represent himself before the Grand jury. Nor was morant allowed to testify before the Grand jury and present evidence and witnesses in his own behalf. Nor was morant afforded his rights to make corrections in or to inaccurate or offensive statements or testimony made by himself and or others, to the Grand jury prior to the return of the indictment and prior to being officially charged in the indictment.

(9)

Morant's attorney was ineffective for not raising this motion himself prior, and timely. Strickland vs Washington.

(10)

The trial judge and prosecutor of morant's case did not inspect the records of the Grand jury, prior nor timely as would relate and

4

apply to the reasons set forth herein.

(10)

An indictment must be timely proven and adjudged legal and valid, in order to vest the court with legal and valid jurisdiction of the case and of the person of movant and in movant's case this was not done as is evident and proof of same by the court records of movant's case.

(11)

The prosecutor's duty was to seek justice not merely to convict. In movant's case the prosecutor merely pursued and obtained a conviction any way he could do so.

(12)

For a conviction to be legal and valid it must be based on a legal and valid indictment, information or arrest warrant.

(13)

For a sentence to be legal and valid, it must be based on a valid and legal conviction.

(14)

Movant has a right to maximum compensation in the case of final sentencing through a miscarriage of justice and for all time spent in custody and all time spent incarcerated and for all time out of work until he finds himself another job after having been lawfully released.

(15)

The indictment in movants case was returned based on false or perjured statements or testimony or statements or testimony not proven not to be false or perjured prior to the return of the indictment and prior to the offense as stated in the indictment.

Movant further moves the court to appoint him counsel in this matter and all matters relating hereto. 18 U.S.C. 3006A.

Movant has a right to judicial protection against, acts, persons and things that violates movants fundamental and or other rights or privileges. Movant respectfully moves the court to afford to him such and said judicial protection and his right thereto.

Movant right to presumption of innocence and reasonable doubt began prior to having been formally charged.

Movants rights not to be denied nor deprived of life, liberty or property, began prior to having been formally charged as well did his right to equal protection and due process of law and judicial protections which required the court and prosecutor and movants defense attorney to inspect the Grand Jury Records then

slef prior to excepting jurisdiction in the case and of movant and at further processes and sentencing also committment of movant by court orders.

Wherefore movant respectfully moves the court to Grant this motion and order movants lawfull release without delay and further order all compensations for which movant is legally entitled.

Respectfully Presentes on this the 23 day of April 2004.

Signed, Joseph Marion Head Junior, Prison Number                     , Movant, defendant in the forgoing cause.

N- 4 - Fed. Med. Center Berens, Mass.  
Post office Box 879  
Ayers, Mass. 01432

Date This Motion Sent To Court  
By Way of United State Mail  
24 day of April 2004

Signed, Joseph Marion Head Junior, Movant.

The Court will have to make and serve all required copies of this motion. Movant can not do so, due to lack of funds.

Joseph Marion Head Junior 17549-056  
4-24-04

COP-OUT From, Joseph Marion Hear Junior  
17549-056  
To: Staff, N-3 Cell 309  
Nurse, Lapraite 3-31-04

Thanking You for being a Good Nurse Without  
out a Bad Additude, & Am.

You Treated nice while I was on N-1.  
I appreciate that, and felt like telling you  
so. I hope you don't mind.

I would appreciate your assistance though  
in getting copies of my legal papers with  
out cost to me for the copies. I can not  
aford to pay for the copies. At most I will  
receive from home will be \$20.00 a month.  
I've been spending that for stamps \$,50  
stamps a month. And that is not near as  
much as I need.

As for the copies, you make the terms  
and rules and how much and how often,  
whatever you and or other staff can and will  
do, I will appreciate.

I got some more mail from the court, good  
news, they did not dismiss my papers but  
could have, because I didn't serve a copy on  
the respondent and Defendants. I did not have copy,

Case 4:04-cv-40042-RGS Document 9 Filed 04/27/2004 Page 16 of 21  
To send to me, also did not know the law  
rules relating thereto.

Speedy Reply In These Matters is Requested.

I need some more copies of those  
instructions in that book, of that book, the  
complete book. Whenever you have spare  
time and will, if you will make me some.  
Ever how many you make, I can use  
for my self and or sometimes give a copy  
to some other inmates, so they can help  
themselves. I'm sure you understand. If not  
you should. Think About It. As many as  
you will make for me is what I'm asking  
for of that. Whenever you have time to do it.

As to other copies of other legal mail, etc.  
You state the terms. You are my only  
source of getting copies. The rest of the  
staff just will not hardly do anything  
for me and by law and my rights are required  
to do so.

Again, I Thank You For Being A Nice Staff  
Member and A Good Person.

Respectfully  
Joseph Marion Head Junior  
17549-056

I am unable for  
make copies for  
you please refer  
to me

United States District Court  
For the Boston District of Mass  
Boston Division  
Case Number \_\_\_\_\_

United States of America  
VS  
Joseph Marion Head Junior  
Defendant

Motion For Dismissal of the  
Indictment With Prejudice

Comes now Joseph Marion Head Junior Prison Number  
17549-056, defendant in the above entitled  
cause, movant herein, who pro se, respectfully  
moves the court to dismiss the indictment with  
prejudice, for the reasons related herein.

Reasons  
For Dismissal of the Indictment With Prejudice  
(1)

The Grand jury had no legal proof to prove  
what was stated in the statement of the offense  
in the bill of indictment prior to the offense  
being stated in the indictment the way same  
was stated and alledged in the indictment.

Therefore the indictment was illegally obtained  
and is illegal and invaled and violative of  
18 U.S.C. 1201 and Amendment 5, 6, 8, 14 to the  
United States Constitution and movants rights  
thereof. Therefore did not vest the court  
with legal jurisdiction of the case nor of  
the person of movant, Therefore the convi

ction obtained was obtained in violation of the laws and of the constitution of the United States of America and morant's rights thereof as is evident and proof of same by the records of the Grand jury in the instant case of morant herein.

(2)

The Grand jury had no evidence and legal proof that morant had prior knowledge of the law alleged violated in the indictment at the time the acts was allegedly done as stated in the indictment, the way alleged which allegedly violated said law. Nor did the Grand jury have any legal evidence and legal proof that the morant did the acts alleged in the indictment, with knowledge that said acts constituted a violation of said law. Nor did the Grand jury have any legal evidence and legal proof that proves morant did the acts stated in the indictment with the intent of violating the law stated in the indictment, violated and the way violated as alleged in the indictment. Nor did the Grand jury have any legal evidence and legal proof that morant deliberately done the acts alleged in the indictment the way alleged, to violate said law and with knowledge that same would constitute a violation of said law at the time and way same was allegedly done.

3

Not did the Grand jury have any legal evidence and legal proof, that movant was completely sane at the time of the alledged violation of said law. Nor did the Grand jury have any legal evidence and legal proof, that movant was not on drugs, medisen or alcohol, at the time of the alledged violation of said law.

(2)

The witnesses who testified before the Grand jury in the instant case of movant, was not advised nor informed of their rights and movants rights, prior to testifying before the Grand jury.

(3)

The indictment was obtained bases on false or perjured, statements or testimony or statements or testimony not proven not to be false or perjured prior to stating the offense on the indictment as was stated thereon, nor prior to the return of the indictment.

(4)

Movant was not represented by counsel, in the Grand jury processes, investigations and Hearing. Nor was movant allowed to represent him own self at and during same.

(5)

Movant was not allowed to testify before the Grand jury nor allowed to make any corrections to or in any inaccurate or

offensive statement or testimony, relating to the instant case.

(6)

The statement of the offense in the indictment was stated and alleged, the way it was, merely because that was the way the law required it to be stated and alleged in the instant case. Not because of any legal evidence and legal proof of same nor prior to stating and alleging same, in the indictment the way same was.

(7)

That based on forgoing herein but not limited thereto, the indictment in the instant case, is and was, illegal, invalid and violative of law 18 U.S.C. 1201 and The Constitution of The United States of America and morant rights thereby.

(8)

In order for a conviction to be legal and valid, it must be based on an legal and valid indictment, information or warrant for arrest, further for the purpose of vesting the court with legal jurisdiction to impose a legal and valid sentence and commitment order of the court.

Respectfully Presented on 24 day of April 2004  
 Signed Joseph Marion Head Jr. Prison Number 17549-056  
 Date This Motion Was Sent To Court By Mail  
April 24 th 2004

BP-S148.055 INMATE REQUEST TO STAFF CDFRM

SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>Miss. Lapraite - Nurse, N-1</i>	DATE: <i>4-11-04</i>
FROM: <i>Inmate Head</i>	REGISTER NO.: <i>17549-056</i>
WORK ASSIGNMENT: <i>None</i>	UNIT: <i>N-3 Cell 309</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

*Nurse, Lapraite, I request you make or have made for me at least 10 copies of the motion herewith. Education dose not reply and is to slow. They have had some of my legal papers almost 3 months now and still have not returned same to me. Why? If they will not type and copy same for me, they should have returned them to me. I think Mr. Colautti has some of them also. I need your assistance in these matters.*

(Do not write below this line)

DISPOSITION:

*please forward to unit team.*

Signature Staff Member <i>[Signature]</i>	Date <i>4/13/04</i>
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Record Copy - File; Copy - Inmate  
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86  
and BP-S148.070 APR 94

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